

## **Trust fund in context of tax law**

### **Abstract**

Trust fund is a relatively new legal structure in Czech legal system, embodied in the Civil Code with recodification of Civil law in 2014. Trust fund is constituted by appropriation of property from trustor for trustee's administration either for personal purpose or for purpose of general interest. The property does not turn into the property of trustee, beneficiary, nor does it stay the property of trustor. On the contrary it becomes separate and independent property without any owner. Trust fund is lacking legal personality and is fully under the administration of trustee.

The thesis focuses on trust fund under the Civil Code in the light of tax law. The objective of this thesis is to expound on and analyse current private law and tax law legal framework of trust fund, to assess the rate of embodiment of trust fund into Czech legal society and also to assess the success rate of proclaimed tax neutrality with tax regime of legal entities. Beyond above mentioned the thesis also offers the interpretation and solution of both known and by the author's point of view relevant though yet unknown problematic issues.

The thesis consists of three parts. The first part of thesis focuses on the history of modern angloamerican trust and its ancestor known as „*use*,“ it also covers its spreading through the European continent. The second part of thesis focuses on and consists of detailed analysis of private law side of trust fund, concretely the Civil Code régime of trust fund, trust fund record, beneficial ownership record, tax registration and accountancy. Third part of the thesis focuses on the taxation of trust fund and related problematic aspects. It contains the analysis and interpretation of substantive and procedural legal personality of trust fund, the assessment of relevant tax issues related to the constitution of trust fund and also the assessment of relevant tax issues related to the existence of trust fund. Lastly, the thesis contains the analysis on performance to the trustee and beneficiaries.

**Klíčová slova: Trust, Tax, Legal personality**